

REMARKS

The Office Action addresses claims 2-13 and 15-44. The Amendment filed September 13, 2007 presented new claim 45 for consideration. By the amendment herein, claims 7 and 40 are canceled and new claims 46-47 are presented for consideration. The remarks presented in the previous Response to Office Action are incorporated herein by reference.

New claim 45 is presented for consideration. Claim 45 is drawn to a container comprising a withdrawal opening with a bent opening edge and be enclosed at its end opposite the withdrawal opening, at least the container wall being formed from a two-dimensional blank which is connected with itself for forming a continuous container wall. The container wall is formed from a transparent, fluid tight material which can be shaped for forming the container and which is dimensionally stable after having been shaped, and wherein the container and the material are dimensionally stable and fluid tight from -50°C to +120°C.

New claim 46 is presented for consideration and drawn to a container for receiving food, wherein at least the container wall is formed from a two-dimensional blank and wherein the container and the container wall are at least partially formed from a transparent, fluid tight material which can be shaped for forming the container and which is dimensionally stable after having been shaped. The container and the material are dimensionally stable and fluid tight from -50°C to +120°C and the opening edge is bent or rolled round without the material changing its properties.

New claim 47 is presented for consideration and is drawn to a container for receiving food, formed with a container wall and having a withdrawal opening, the withdrawal opening being surrounded by a bent opening edge of the wall configured for receiving a removable lid in a sealing fashion, and being closed at an end opposite the withdrawal opening. The container is formed from a two-dimensional blank which is connected with itself for forming the continuous container

wall and which is formed from multiple layers of at least one temperature stable compound. The compound is transparent and fluid tight, can be shaped for forming the container and is dimensionally stable after having been shaped. The container and compound are dimensionally stable and fluid tight from -50°C to +120°C.

Yamada et al. '587 only discloses a self-supporting container with a see through window that is to be collapsible, as in flat. According to the invention, collapsible does not mean that the container may be folded to a collapsed state, but that the container is squeezable to raise and lower food inside the container for consumption or storing (see paragraph [0088] of the specification). Further, Yamada et al. '587 discloses that the container has an open upper end that is not suitable for receiving a lid, but rather is formed to be open to serve as a measuring container. The container according to the invention, specifically as claimed in claim 47, is capable of receiving a lid in a connecting fashion (see also paragraphs [0052], [0075] and [0109] of the specification). In view of the bent opening edge according to the invention, the material being transparent, and with further characteristics mentioned, such as shape, stability or fluid tightness, not only at ambient temperature, but throughout the corresponding temperature range outlined in the claim, namely -50°C to +120°C, the various claims are not anticipated by the prior art.

Accordingly, claims 45-47 should be considered patentable over the prior art references cited. The remaining claims in the application depend either directly or indirectly from claim 46, and should be considered patentable therewith. Withdrawal of the rejection and reconsideration of the claims are respectfully requested.

As discussed in Applicant's Response filed December 13, 2007, the remaining claims which stand rejected under 35 USC §103 should be considered patentable with the independent claim from which they depend, in that the secondary references

cited do not disclose, either individually or in combination with the primary reference, each and every element of the claims. Accordingly, withdrawal of the rejection and reconsideration of the claims are respectfully requested.

In light of the foregoing, the claims remaining in the application are believed to be in condition for allowance and early notice of allowability is courteously solicited. If necessary to further prosecution of the application, the Examiner is invited to contact the Applicant's representatives listed below.

Respectfully submitted,


for David G. Boutell

DGB/DJW/jas

FLYNN, THIEL, BOUTELL
& TANIS, P.C.
2026 Rambling Road
Kalamazoo, MI 49008-1631
Phone: (269) 381-1156
Fax: (269) 381-5465

David G. Boutell	Reg. No. 25 072
Terryence F. Chapman	Reg. No. 32 549
Mark L. Maki	Reg. No. 36 589
Liane L. Churney	Reg. No. 40 694
John A. Waters	Reg. No. 24 802
Brian R. Tumm	Reg. No. 36 328
Donald J. Wallace	Reg. No. 43 977
Stephen C. Holwerda	Reg. No. 57 391
Dale H. Thiel	Reg. No. 24 323
Sidney B. Williams, Jr.	Reg. No. 24 949
Heon Jekal	Reg. No. L0379*

*limited recognition number

Encl: Postal Card

136.07/05